

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD SCHOTT,	)	
	)	Civil Action No. 05 - 1730
Plaintiff,	)	
	)	Chief Judge Donetta W. Ambrose /
v.	)	Magistrate Judge Lisa Pupo Lenihan
	)	
JOHN DOE, <i>Lancaster County Prison Warden</i> ;	)	
C.O. JACOBS; and SUPERINTENDENT	)	
MECHLING, <i>S.C.I. Fayette</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff filed a "Motion for Order of U.S. Marshal", which is a three line request for the Court to order the United States Marshals to effectuate service of this civil rights complaint. Since the Plaintiff paid the \$250.00 filing fee, and is therefore responsible for the service of his own complaint, the Court will grant the motion with all costs associated with the effectuation of service to be advanced by the United States. Therefore,

**IT IS HEREBY ORDERED** this 13<sup>th</sup> day of February, 2006, that Plaintiff's "Motion for Order of U.S. Marshal" is **GRANTED** and the United States Marshal is directed to mail a copy of the complaint, notice of lawsuit and request for waiver of service of summons, and waiver, and this order to each defendant as directed by plaintiff. Cost of service shall be **advanced** by the United States. The defendants are requested to waive service pursuant to Rule4(d).<sup>1</sup>

---

1

The Marshal will send the form Notice of Lawsuit and Request for Waiver of Service of Summons to each defendant.

**IT IS FURTHER ORDERED** that plaintiff provide the United States Marshal a separate "Process Receipt and Return" form (USM-285) for each defendant (unless he sent properly completed forms to the Clerk with the complaint). If the plaintiff does not have sufficient copies of the form to prepare one for each defendant, he may obtain additional forms from the Clerk of Court. On this form he must give the full name and complete service address for each individual defendant. If plaintiff fails to give the Marshal correct instructions for mailing to any defendant, his claims against that defendant may be dismissed pursuant to Federal rule of Civil Procedure 4 (m). The plaintiff is further advised that no defendant is required to respond to the complaint until he has accepted a copy of the complaint from the Marshal and waived service, or has been served. Therefore, a motion for default cannot properly be filed unless the defendant has failed to file an answer, motion to dismiss, or a motion for additional time to respond, within sixty (60) days after the Marshal's notice has been mailed, if service is waived pursuant to the notice, or twenty (20) days after being served.

**THE PLAINTIFF IS ADVISED** that Fed.R.Civ.P. 11 requires that any filing signed by any party must comply with certain standards. Among these is that statements or allegations of fact must be true or have evidentiary support. This requirement applies to the complaint which the plaintiff has already submitted for filing, as well as, to any future filings and submissions by any party.

**IT IS FURTHER ORDERED** that plaintiff shall serve upon each defendant or, if an appearance has been entered by counsel, upon their attorney, a copy of every pleading or other document submitted for consideration by the court, and, shall include on the original document filed with the Clerk of Court, a certificate stating a true and correct copy of the

pleading or document was mailed to each defendant or his counsel. Any pleading or other document received by a district judge or magistrate judge which has not been filed with the Clerk or which fails to include a certificate of service shall be disregarded by the court.

**IT IS FURTHER ORDERED** that plaintiff shall immediately advise the court of any change in address. Failure to do so may result in dismissal for failure to prosecute if the court and other parties are unable to serve pleadings, orders, and other documents upon plaintiff.

**IT IS FURTHER ORDERED** that the defendant(s) file a timely response to the complaint.

**IT IS FURTHER ORDERED** that in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(A), and Local Rule 72.1.3, the parties are allowed ten (10) days from the date of service to file an appeal from this order to the District Court. Failure to timely file an appeal may constitute a waiver of any appellate rights.

  
\_\_\_\_\_  
LISA PUPO LENIHAN  
U.S. Magistrate Judge

cc: U.S. Marshals

Richard Schott  
915 Ridge Avenue  
Pittsburgh, PA 15212